

Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04 PRS-01

SP-02 SS-15 USIA-06 AF-10 ARA-06 EA-07 NEA-10

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FM AMEMBASSY WARSAW

TO USUN NEW YORK PRIORITY 292

SECSTATE WASHDC PRIORITY 8279

INFO USMISSION EC BRUSSELS

USMISSION GENEVA

USMISSION NATO

AMEMBASSY LONDON

AMEMBASSY MOSCOW

C O N F I D E N T I A L WARSAW 3642

USUN FOR AMBASSADOR RICHARDSON

EO 11652GDS

TAGS: PLOS PL

SUBJ: THE SIXTH SESSION OF THE THIRD CONFERENCE OF THE LAW OF THE
SEA: POLISH CONCERN OVER UNRESOLVED QUESTIONS AND DESIRE FOR
EARLY MEETING WITH HEAD OF THE US DELEGATION

1. SUMMARY: VICE MINISTER OF FOREIGN AFFAIRS EUGENIUSZ
KULAGA, WHO WILL HEAD THE POLISH DELEGATION TO THE SIXTH
SESSION BEGINNING MAY 23 IN NEW YORK, HAS ASKED
TO MEET WITH AMBASSADOR RICHARDSON AT AN EARLY DATE AFTER
THE BEGINNING OF THE CONFERENCE. THE VICE MINISTER EXPLAINED
TO ME ON MAY 19 THE SERIOUS CONCERN WHICH POLAND ATTACHES
TO UNRESOLVES ISSUES, PARTICULARLY TO THOSE BEING
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HANDLED BY COMMITTEE II. SPECIFICALLY, POLAND BELIEVES
THAT THE NATIONS OF THE ECONOMIC COMMUNITY ARE
TREATING POLAND AND OTHER RELATIVELY LAND LOCKED
COUNTRIES WITH "FULL AND BRUTAL DISRESPECT" IN THE ASSIGNMENT
OF FISHING RIGHTS IN ZONES CLAIMED BY THE EC. HE MADE CLEAR THAT
POLAND COULD NOT ACCEPT ANY FORMULATION IN AN AGREEMENT ON THE LAW
OF THE SEA WHICH WOULD SUPPORT OR RATIFY THE POSITION WHICH

THE EC HAS BEEN TAKING WITH REGARD TO ALLOCATION OF FISHING QUOTAS. THE VICE MINISTER WISHES TO MAKE SURE THAT WE FULLY APPRECIATE HIS GOVERNMENT'S CONCERN ON THIS ISSUE. END SUMMARY.

2. ACTION REQUEST: I STRONGLY RECOMMEND THAT, IF AT ALL POSSIBLE, AN EARLY MEETING BE ARRANGED FOR VICE MINISTER KULAGA WITH AMBASSADOR RICHARDSON. KULAGA WILL ARRIVE IN NEW YORK ON MAY 20 AND CURRENTLY PLANS TO REMAIN IN NEW YORK UNTIL MAY 30. I THEREFORE HOPE THAT OUR USUN/LOS DELEGATION WILL BE IN TOUCH SOON WITH THE POLISH DELEGATION TO DISCUSS POSSIBLE TIMING FOR THE MEETING.

3. FOR THE REASONS EXPLAINED BELOW, I THINK IT IS VERY IMPORTANT THAT WE AT LEAST LEND A SYMPATHETIC EAR TO THE POLES ON THIS ISSUE. THEY WISH VERY MUCH TO TRY TO RECTIFY WHAT THEY CONSIDER, PERHAPS MISTAKENLY, AS US NEGLECT OF THE FISHING-RIGHTS ISSUES WHICH SO MUCH CONCERN THEM.

4. AT THE REQUEST OF VICE MINISTER KULAGA, ON MAY 19 I CALLED ON HIM AND JAN WITEK, WHO WILL BE DEPUTY CHAIRMAN OF THE POLISH LOS DELEGATION. THEY GAVE ME AN AIDE MEMOIRE AND EXPLAINED THEIR SERIOUS CONCERN OVER UNRESOLVED ISSUES AT THE LOS CONFERENCE. THE VICE MINISTER STATED THAT HE WISHED TO MAKE THESE POINTS AT THIS TIME BECAUSE HE THOUGHT THE COMING SESSION OF THE LOS CONFERENCE WOULD BE A DECISIVE ONE. HE SAID THAT THE POLISH GOVERNMENT WAS VERY APPRECIATIVE OF THE TALKS HELD IN WASHINGTON WITH VICE MINISTER SPASOWSKI, BUT WAS CONCERNED THAT THE USG WAS UNDERESTIMATING THE IMPORTANCE OF THE REMAINING UNRESOLVED QUESTIONS ON FISHING RIGHTS. FOR THIS REASON, HE SAID, HE HOPED THAT HIS VIEWS WOULD BE RELAYED TO THE US/LOS DELEGATION AND

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THAT HE MIGHT HAVE AN EARLY OPPORTUNITY TO MEET AMBASSADOR RICHARDSON WHILE IN NEW YORK.

5. MINISTER KULAGA SAID HE WISHED TO MAKE CLEAR THAT POLAND HAD NO GRIEVANCE WITH THE APPROACH WHICH THE US GOVERNMENT HAD TAKEN IN ESTABLISHING ITS OWN 200-MILE FISHING ZONE. HE REAFFIRMED POLAND'S SUPPORT FOR MOST USG POSITIONS ON PARALLEL ACCESS AND OTHER QUESTIONS RELATING TO EXPLOITATION OF THE DEEP-SEA BEDS. KULAGA SAID, HOWEVER, THAT HE HAD BEEN VERY DISAPPOINTED IN THE USG'S RESPONSE TO SPECIFIC POINTS RAISED BY SPASOWSKI. THESE POINTS, HE SAID, PERTAIN TO THE CRITICAL NEED FOR POLAND TO HAVE ITS TRADITIONAL FISHING RIGHTS OBSERVED AND PROVIDED FOR IN ANY INTERNATIONAL AGREEMENT ON THE LAW OF THE SEA. HE THEN ASKED MR. WITEK TO EXPLAIN FURTHER.

6. WITEK CAME QUICKLY TO THE POINT, IE, THAT THE APPROACH BEING PURSUED BY THE ECONOMIC COMMUNITY WITH REGARD TO FISHING NEGOTIATIONS WITH POLAND THREATENED IMPORTANT POLISH INTERESTS. HE SAID THAT THE EC INSISTENCE ON "RECIPROCITY" AND ITS COMPLETE

DISREGARD FOR POLAND'S HISTORICAL FISHING IN EC WATERS VIOLATED THE SPIRIT OF THE LOS CONFERENCE, IE, THAT THE RIGHTS OF LAND-LOCKED COUNTRIES SHOULD BE PROTECTED. WITEK SAID THAT THE EC "WAS FULLY AND BRUTALLY" DISRESPECTING THESE RIGHTS. HE MADE CLEAR THAT POLAND COULD NOT ACCEPT AN AGREEMENT WHICH GAVE SUPPORT TO OR TOLERATED THE EC POSITION.

7. WITEK THEN EXPLAINED THE POLISH PROPOSAL WHICH, HE SAID, WAS THE MOST REALISTIC WAY OF SOLVING THE PROBLEM. COASTAL STATES, HE SAID, MUST NOT BE ALLOWED TO DIVIDE FISHING QUOTAS ONLY AMONG THEMSELVES, AS HE BELIEVES WOULD ENSURE UNDER THE EC CRITERIA OF RECIPROCITY IN ESTABLISHING QUOTAS. WITEK SAID THAT POLAND DID NOT OBJECT TO THE RIGHT OF COASTAL STATES TO ESTABLISH MAXIMUM CATCHES IN THEIR FISHING ZONES. ONCE THIS HAS BEEN DONE, HOWEVER, POLAND BELIEVE THAT THE SURPLUS (THAT PORTION OF THE MAXIMUM NOT TAKEN BY DOMESTIC FISHERMAN) SHOULD BE DIVIDED FIRST AMONG THOSE COUNTRIES WHICH ARE LANDLOCKED AND HAVE

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HISTORICAL RIGHTS IN THOSE WATERS. AFTER SUCH A REASONABLE DIVISION FOR THE LANDLOCKED COUNTRIES, HE SAID, THE REMAINDER OF THE SURPLUS SHOULD THEN BE DIVIDED AMONG OTHER COASTAL STATES.

8. COMMENT: THE POINTS OUTLINED IN THE PRECEDING TWO PARAGRAPHS, INCLUDING THE SPECIFIC REFERENCE TO THE EC, WERE REPEATED IN THE AIDE MEMOIRE HANDED TO ME. I TOLD KULAGA THAT I COULD NOT COMMENT AUTHORITATIVELY ON THEIR PROPOSALS, BUT THAT I WOULD RELAY THEM TO WASHINGTON AND RECOMMEND A MEETING WITH AMBASSADOR RICHARDSON TO DISCUSS THE FURTHER.

9. ALTHOUGH I CANNOT ASSESS THE ACCEPTABILITY OF THE POLISH PROPOSAL FOR ALLOCATION OF FISHING QUOTAS, I HOPE WE CAN AT LEAST LISTEN TO IT CAREFULLY AND TRY TO BE AS RESPONSIVE AS POSSIBLE TO THE SUBSTANTIVE CONCERNS OF THE POLES. WE HAVE FOR SOME YEARS BEEN TRYING TO ENCOURAGE THE POLES TO SPEAK UP IN INTERNATIONAL FORA ON BEHALF OF THEIR OWN PERCEIVED NATIONAL INTERESTS. THEY ARE NOW DOING SO IN THE LOS FORUM. END COMMENT.

10. WE WILL REPORT SEPARATELY SEVERAL ADDITIONAL POINTS RAISED IN THE POLISH AIDE MEMOIRE.

DAVIES

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Disposition Approved on Date:
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